

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER FOR  
SILVER STATE BANK,

Plaintiff,

v.

COREY L. JOHNSON; DOUGLAS E.  
FRENCH; and GARY A. GARDNER,

Defendants.

Case No. 2:12-cv-00209-KJD-PAL

**JOINT STIPULATION DISMISSING  
ACTION WITH PREJUDICE PURSUANT  
TO FED. R. CIV. P. 41(a)(1)**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Federal Deposit Insurance Corporation as Receiver for Silver State Bank ("FDIC-R") and Defendants Corey L. Johnson, Douglas E. French, and Gary A. Gardner ("Defendants") respectfully inform that the matter has settled and the Settlement Agreement has been consummated by the FDIC-R, the Defendants, and Progressive Casualty Insurance Company.

Fed. R. Civ. Pr. 41(a)(1)(A) provides that an action may be dismissed by the plaintiff without order of the court by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared. Here, all parties to this litigation who have appeared have signed and consented to the dismissal with prejudice of this action.<sup>1</sup>

The FDIC-R has received the Settlement Payment pursuant to the terms of the Settlement Agreement. Therefore, Plaintiff files this notice of voluntary dismissal with prejudice of the

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<sup>1</sup> A fourth individual, Timothy S. Kirby, was originally named as a defendant in this matter. Mr. Kirby is deceased and was terminated as a party effective March 3, 2014.

above styled case against Defendants. Plaintiff and Defendants have agreed that each party is to bear its own fees and costs.

**So Stipulated.**

Date: March 16, 2015.

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Counsel for Defendant Gary A. Gardner

**ORDER**

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to be "Kendall D.", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE

DATED: 3/25/2015